

February 13, 2024

**VIA ECF**

Hon. Arun Subramanian  
U.S. District Court S.D.N.Y  
500 Pearl Street, Courtroom 15A  
New York, New York 10007

**Re: Nike, Inc. v. lululemon usa, inc. (Case No. 1:23-cv-00771-AS)**

Dear Judge Subramanian,

Pursuant to the Scheduling Order (ECF No. 56) and paragraph 3(E) of Your Honor's Individual Practices, Plaintiff Nike, Inc. ("Nike") and Defendant lululemon usa inc. ("lululemon") (collectively "parties") hereby request leave to conduct the deposition of Sam Rathburn, an employee of lululemon, four days after the close of fact discovery.

Fact discovery closes in this case on March 15, 2024. ECF No. 56. lululemon informed Nike that Mr. Rathburn will be unavailable for deposition during the last three weeks of fact discovery. As a result, the parties have agreed to conduct the deposition of Mr. Rathburn on March 19, 2024. No other requests to take depositions out of time have been made in this case. Taking this deposition out of time will not impact any other deadlines in this case.

Application GRANTED. The Clerk of Court is directed to terminate the motion at ECF No. 106.

SO ORDERED.



Arun Subramanian, U.S.D.J.  
Date: February 14, 2024

Best regards,

/s/ Christopher J. Renk

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